

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FILED IN CHAMBERS
THOMAS W. THRASH JR.
U. S. D. C. Atlanta

SEP 19 2008

JOSEPH H. SMITH,
Plaintiff,

v.

FRED BURNETTE, Warden,
Defendant.

CIVIL ACTION NO.
1:08-CV-2881-TWT

JAMES N. HATTEN, Clerk
By *J. Sewell* Deputy Clerk

ORDER AND OPINION

Plaintiff, Joseph H. Smith, currently confined at the Telfair State Prison ("TSP") in Helena, Georgia, has submitted a letter that has been docketed as a 42 U.S.C. § 1983 civil rights complaint. In his letter, Plaintiff complains that he was recently transferred to the TSP from the "Washington State Prison for exercising [his] right to access to the court." [Doc. 1 at 1]. Plaintiff asks the Clerk of Court to forward him some § 1983 forms so that he can file a civil rights action. [*Id.*]. Upon review of Plaintiff's letter, this Court finds that he does not intend to file a civil action at this time. Rather, Plaintiff merely asks this Court to provide him with the forms necessary to prepare and initiate a civil rights action.

Accordingly, **IT IS HEREBY ORDERED** that the instant action is **DISMISSED WITHOUT PREJUDICE.**

IT IS FURTHER ORDERED that Plaintiff is **GRANTED** leave to proceed in forma pauperis for the sole purpose of dismissal.

The Clerk of this Court is **DIRECTED** to forward a 42 U.S.C. § 1983 form and an appropriate financial affidavit to Plaintiff. If Plaintiff seeks to file a civil rights complaint, he should prepare it on the enclosed § 1983 form and submit both a completed § 1983 form and financial affidavit to the appropriate district court. Plaintiff should be mindful about presenting his claims in a clear and concise fashion.

IT IS SO ORDERED, this 19 day of September, 2008.



THOMAS W. THRASH, JR.
UNITED STATES DISTRICT JUDGE